

SOUTHERN DISTRICT OF NEW YORK

BENTHOS MASTER FUND, LTD,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/7/2021

Petitioner,

ORDER

-against-

20-CV-3384 (AJN) (KHP)

AARON ETRA,

Respondent.

X

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

This Court ordered the Defendant to file a copy of his letter he provided to the Plaintiff on May 27, 2021 (ECF No. 69.) The Defendant responded to the Court's Order on June, 4, 2021, by emailing the Court's chambers with the attached email, which the Court has redacted to remove private and personally identifying information.

Plaintiff is warned that all communications with the Court need to be filed with the pro se office. An in person conference with the parties is hereby scheduled for Wednesday, June 30, 2021 at 2:30 p.m. in Courtroom 17D, United States Courthouse, 500 Pearl Street, New York, New York. **Counsel and parties are required to follow the Court's COVID-safety protocols and should review the Court's website 2 weeks in advance of the conference for the most up to date information.**

SO ORDERED.

Dated: June 7, 2021
New York, New York

Katharine H Parker

KATHARINE H. PARKER
United States Magistrate Judge

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Aaron Etra <aaron@etra.com>

Sent: Friday, June 4, 2021 2:11 PM

To: Katharine Parker

Cc: NYSD CourtMail; Steven Popofsky; 'Joshua K. Bromberg'; Pamela Frederick

Subject: Settlement of Benthos v. Etra 20 Civ. 3384

CAUTION - EXTERNAL:

Dear Judge Parker,

I am responding to your Order of May 27. 2021 (attached) by attaching my Letter to you of May 23, 2021 and its attachments (all attached). That letter was sent to you on Sunday the 23rd, per your Order of May 21st requiring a reply by the 23rd, and may not have reached you because it was sent on the 23rd, a weekend day.

I am taking this opportunity to send attached the latest statement of my rent due (more than \$44,000) and sums due on my credit card (more than \$17,000 total and more than \$3,000 due currently) that was closed by the action of Mr. Popofsky's team.

I respectfully request that Your Honor recognize how injurious the actions of Mr. Popofsky's three lawyer group are in harassing and attacking me and anyone who is willing to assist in funding the agreed settlement. Their latest attack is against Mr. Mel; Dussel, whose letter was forwarded to Your Honor. Whatever Your Honor can do by way of deterring these actions will benefit both parties to this matter, Benthos and myself, by enabling the accumulation of funds to make the settlement payments rather than running up legal charges for Benthos and diverting energy to uselessly fighting over contempt motions, subpoenas and incarceration.

Respectfully submitted,

/s/ Aaron Etra

240 East 47th Street- 12A
New York, NY 10017
Tel. 917-856-3500

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



Account Summary Transaction History Statements Account Info Payments

[Sign Out]

Welcome, AARON

Access Log

This summary reflects the most current account information.

Account Number : [REDACTED]

[Update Account Info](#)

Card Type : Individual Account

Company ID : [REDACTED]

Company Name : AARON ETRA

Primary Cardholder : AARON ETRA

Email Address : [REDACTED]

Secondary Cardholder : AARON ETRA

Address : AARON ETRA
[REDACTED]

Home Phone : [REDACTED]

Work Phone : [REDACTED]

Statement Delivery Method : Electronic Only

[Change Delivery Method](#)

Balance as of 05/19/21 : [REDACTED]

[View Transaction History](#)

Available Credit : [REDACTED]

Credit Limit : \$ [REDACTED]

Minimum Payment Due : \$ [REDACTED]

[Payments](#)

Payment Due Date : 05/21/21

[View Payment History](#)

Last Payment Amount : \$ [REDACTED]

Last Payment Posted : 09/28/20

Last Statement Balance : [REDACTED]

Last Statement Date : 04/26/21

M&T Bank

Messages (6) Log Out >

Accounts Payments and Transfers Services Settings and Support Welcome back to Business Banking, AARON

Simple Checking for Business (3433)
(Nickname)

[View Account](#) Simple Checking for Business (3433) Go >

Total Balance \$3,600.00 Available Balance \$3,600.00

Thank you for banking with M&T.

My Shortcuts
Create shortcuts to your most frequently used online services.
[Add Shortcuts](#)

Recent Activity Last 7 Years Account Info Place a Stop Payment Schedule a Transfer Pay a Bill

PENDING
You currently have no pending transactions [View Scheduled Transfers \(\\$0.00\)](#) [View Scheduled Bill Payments \(\\$0.00\)](#)

POSTED

Days	30	60	90	(Oldest)	Date Range (in last 90 days only)	MM/DD/YYYY	To	05/19/2021	Update
Date	-	Description					Debit (-)	Credit (+)	Balance
04/29/2021		CHECK 4000031702 (View)					-\$7,621.64		\$3,600.00

Last login at 11:51 pm ET on Friday, May 07, 2021

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KING MEL MINING, LLC

Registered Address: 848 N. Rainbow Blvd., Las Vegas, NV 89107

(504) 454-8397

May 18, 2021

To: Judge Katharine H. Parker
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Settlement of Civ. 20-3384 Benthos v. Etra

Dear Judge Parker,

Approximately 60 days ago we spoke with Aaron Etra, whom we have known through mutual business friends over the years, and learned of his situation with a failed transaction where the Seller did not deliver the product and now Mr. Etra was being held responsible for reimbursement to the Buyer.

Because we knew of Mr. Etra's integrity, we spoke with him and asked how we could help. We told him that we are the owners of certain Mining Claims in the United States that were going to be used for Project Funding in Europe and that all we were waiting for was the ban for Americans going to Europe to be lifted so that our funding representative can meet with his various bankers there to go forward and arrange for funds to be freely available to us and for providing assistance to Mr. Etra.

At that time, Mr. Etra explained that under the guidance of Your Honor a settlement between himself and the Plaintiff in the action against him was being discussed requiring funding which he himself did not have. He later reported to us that a settlement was agreed to on April 1st requiring a total payment of \$1 Million in regular monthly payments of \$83,333.33 beginning in April.

Though we hoped to be able to provide the timely assistance needed to meet the initial April payment and then to continue to make the equal monthly payments thereafter, it just was not possible in that exact time frame as the project funding involved overseas travel to Europe where the COVID outbreak banned travelers.

Now with the European travel bans being lifted and with his COVID vaccinations completed, our funding representative will be able to finally undertake travel. He will require two working weeks

in Europe and up to 45 banking days to have available the funds we want to commit to Mr. Etra's settlement plan.

To be clear, the funding required for the settlement would have been fully available and paid in a timely fashion but for COVID, which has also delayed our company plans which have been pending since the beginning of the COVID crisis.

Therefore, we respectfully request that Your Honor order that the settlement remain in force and that Aaron Etra be given 60 days to make the first payment, as that is the time frame we are anticipating. In recognition of this delay, Mr. Etra's first payment would be for four months of \$83,333.33 each, and then would continue after that for the \$83,333.33 per month until the full amount has been paid.

Mr. Etra is a good man trying to do his best for all concerned and deserves this consideration.

With thanks,



Melvin H. Dussel